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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 3 05 70677 BZ
)	
Plaintiff,)	PARTIES' STIPULATION AND
)	PROPOSED ORDER CONTINUING
v.)	PRELIMINARY HEARING OR
)	ARRAIGNMENT AND WAIVING TIME
NASIR JAVAID,)	UNDER THE SPEEDY TRIAL ACT AND
)	FRCP 5.1
Defendant.)	
)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared on October 18, 2005 for the preliminary hearing or arraignment in this matter.

2. At that time, the parties requested that the matter be continued until November 15, 2005 at 9:30 a.m. before the duty magistrate judge, and requested an exclusion of time from October 18, 2005 through November 15, 2005, based upon effective preparation of defense counsel. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1.

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective

preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A). In addition, the Defendant consents and there is good cause to extend time under Rule 5.1.

4. For the reasons stated, the time period from October 18, 2005 through November 15, 2005 shall be excluded from the calculation of time under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1.

SO STIPULATED.

DATED: 10/19/05

Respectfully Submitted,

/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

DATED: 10/20/05

/s/
JAMES BUSTAMANTE
Counsel for Defendant Nasir Javaid

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 21, 2005

